

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1640

Joseph Hart; Cheryl Hart,

Appellants,

v.

Jerry Patton; Norman McChristian,

Appellees.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: September 13, 2001

Filed: November 2, 2001

Before BOWMAN, LOKEN, and BYE, Circuit Judges.

PER CURIAM

Joseph and Cheryl Hart (the Harts) were general partners in a limited liability partnership, Vinewood Communications, which operated a radio station. One of the Harts' limited partners, Norman McChristian, brought suit to remove the Harts as general partners. Relief was granted and McChristian, along with Jerry Patton, the appointed receiver of Vinewood Communications, proceeded to take possession of the partnership's assets. The Harts resisted and were arrested by the sheriff.

The Harts filed suit under 42 U.S.C. § 1983 claiming that the seizure of the partnership assets and the arrest were wrongful. The District Court¹ granted defendant Patton's motion to dismiss for failure to state a claim against Patton. Subsequently, the District Court² granted summary judgment in favor of defendant McChristian, dismissed the action, and issued an extensive memorandum opinion outlining its reasons.

The Harts appeal the grant of summary judgment as to McChristian and the grant of dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) as to Patton. After de novo review of the record, see Hott v. Hennepin County, Minn., 260 F. 3d 901, 904 (8th Cir. 2001), we conclude that the grant of summary judgment for McChristian was proper for the reasons stated in the District Court's memorandum opinion. Similarly, after de novo review, see Casino Resource Corp. v. Harrah's Entertainment, Inc., 243 F. 3d 435, 437 (8th Cir. 2001), we conclude that the grant of Patton's motion to dismiss was proper, again for the reasons stated in the District Court's order. We affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Jim Larry Hendren, United States District Judge for the Western District of Arkansas, granted Patton's motion to dismiss.

²The Honorable Franklin Waters, United States District Judge for the Western District of Arkansas, granted McChristian's motion for summary judgment.